

ORDINANCE NO. 13-16

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE II “RULES OF CONSTRUCTION AND DEFINITIONS,” SECTION 30-32 “SPECIFIC DEFINITIONS” AND ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS,” DIVISION 7 “OFF-STREET PARKING, LOADING AND DRIVEWAY STANDARDS” OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

WHEREAS, on January 24, 2002, the Village Council adopted Ordinance No. 02-10, which established the Off-Street Parking, Loading and Driveway Standards within Chapter 30, Article V, Division 7 (the “Parking Standards”) of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”); and

WHEREAS, the Parking Standards were previously amended by Ordinance Nos. 02-29, 05-20, 09-01, 10-01, 12-05 and 13-08; and

WHEREAS, the Village Council desires to amend and clarify requirements for clear sight triangles; and

WHEREAS, the Village Local Planning Agency reviewed this Ordinance on June 10, 2013 and July 8, 2013 in accordance with the requirements of Chapter 163, Florida Statutes; and

WHEREAS, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, the Village Council finds that the provisions of this Ordinance are intended

to advance the public health, safety, and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true, correct and incorporated herein by this reference.

Section 2. **Specific Definitions.** Chapter 30 “Land Development Regulations,” Article II “Rules of Construction and Definitions,” Section 30-32 “Specific Definitions” of the Code is hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as striketrough
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~~Visibility~~ Clear sight triangle means a triangular-shaped area above that portion of land established at street intersections or street and driveway intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Also referred to as visibility triangle.

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Section 3. **Off-Street Parking.** Chapter 30 “Land Development Regulations,” Article II “Schedule of District Use and Development Standards,” Division 7 “Off-Street Parking, Loading and Driveway Standards” of the Code is hereby amended to read as follows:

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Sec. 30-857. Clear Sight Triangle.

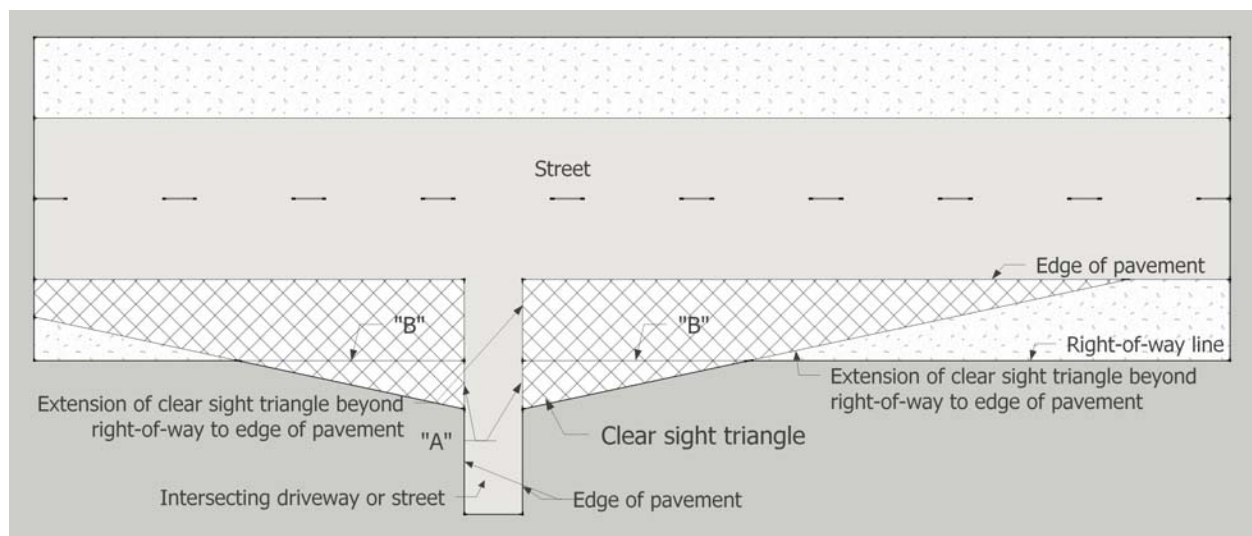
- (a) All driveways and street intersections shall provide clear sight triangles in both directions as follows and as more fully set forth in the following table and in Figure 30-857.1. The clear sight triangle shall extend beyond the right-of-way line to the edge of the roadway pavement as illustrated in Figure 30-857.1.

	<i>Distances in feet</i>	
<i>Type of Street</i>	<i>A*</i>	<i>B**</i>
<u>U.S. 1</u>	<u>15</u>	<u>70</u>
<u>Old Highway</u>	<u>8</u>	<u>35</u>
<u>Local Streets</u>	<u>3</u>	<u>15</u>

* “A” is the distance from the right-of-way line of the street to the point on the intersecting driveway or street at which clear sight distance is required. “A” is located along both edges of pavement of the intersecting driveway or street.

** “B” is the distance measured along the right-of-way line of the street, from the edge of pavement of the intersecting driveway or street to the point where an oncoming vehicle must be visible.

Figure 30-857.1 Clear Sight Triangle



- (b) The village may alter the clear sight triangle. Such alteration is contingent on unusual site topography, proposed site design features and other unique circumstances pertaining solely to the site and surrounding properties. The village shall make written findings that the alteration does not constitute a traffic or pedestrian safety hazard.
- (c) Street lights, power poles, traffic signs, or similar street fixtures less than one-foot wide or other objects above ten (10) feet in height above the adjacent street elevation shall be allowed in the clear sight triangle unless the village determines that, individually or cumulatively, they would pose a public safety hazard. The director may authorize other objects in the clear sight triangle which do not comply with this standard upon determining that they would not pose a risk to public safety.

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Section 4. **Severability.** The provisions of this Ordinance are declared to be

severable and if any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Repeal of Conflicting Provisions. The provisions of the Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Inclusion in the Code. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become a part of the Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7. Transmittal to the Florida Department of Economic Opportunity. The provisions of this Ordinance constitute a "land development regulation" as State law defines that term. Accordingly, the Village Clerk is authorized to forward a copy of this Ordinance to the Florida Department of Economic Opportunity ("DEO") for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 8. Effective Date. This Ordinance shall not be effective until approved pursuant to a final order by DEO, pursuant to Chapter 380.05, Florida Statutes; or if the final order is challenged, until the challenge to the order is resolved pursuant to Chapter 120, Florida Statutes.

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The foregoing Ordinance was offered by Councilman Dave Purdo, who moved for its adoption on first reading. This motion was seconded by Councilwoman Deb Gillis, and upon being put to a vote, the vote was as follows:

Mayor Ken Philipson	YES
Vice Mayor Ted Blackburn	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilman Dave Purdo	YES

PASSED on first reading this 25th day of July, 2013.

The foregoing Ordinance was offered by Councilwoman Deb Gillis, who moved for its adoption on second reading. This motion was seconded by Councilman Mike Forster, and upon being put to a vote, the vote was as follows:

Mayor Ken Philipson	YES
Vice Mayor Ted Blackburn	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilman Dave Purdo	YES

PASSED AND ADOPTED on second reading this 22nd day of August, 2013.

KEN PHILIPSON, MAYOR

ATTEST:

ARIANA S. LAWSON, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY:

VILLAGE ATTORNEY